

REMARKS

Applicants hereby confirms their election of Group 1, Claims 1-12, for an Improved Multi-Level Game Apparatus.

Applicant notes that Fig. 19 was missing from the application as filed, and requests that action on that omission be deferred until claims are indicated to be allowable in the present application.

Claims 1-12 have been rejected under 35 U.S.C. 103 as being unpatentable over Pearson in view of Cahill. Reconsideration and withdrawal of that rejection are respectfully requested.

The Examiner notes that Pearson does not disclose expressly the inclusion of accelerator plates. The secondary reference to Cahill is cited to make up for that deficiency.

The accelerator plate of Claim 1 serves to affect the forward movement of moving play pieces such as rolling balls or sliding disks.

In contrast, Cahill merely teaches the use of different materials in a ring or seat for a small ball. That ball is not moving forward but rather is positioned in a stationary position in that ring or seat. The ball simply rotates or revolves in that stationary seat. Providing different materials for the seat causes the ball to rotate at different rates.

It is respectfully submitted that the teaching of Cahill of controlling the rotation of a stationary ball would not be seen or interpreted by someone skilled in the game apparatus making art to provide an accelerator plate on a play surface along which a moving play piece rolls or moves as provided in Claim 1. These are very different functions and someone skilled in the art would not reasonably think to apply the teaching as to a stationary ball to the forward movement of a play

piece. Accordingly, reconsideration of the rejection of Claim 1 and its allowance are respectfully requested.

It should also be noted that Claim 1 also provides that the accelerator plate is positioned at a positive or negative angle relative to the playing surface. This limitation is nowhere disclosed in the cited prior art references. That angle provides added play value to the claimed game apparatus, and it is respectfully requested that it provides a further basis for the allowance of Claim 1.

Claims 2-12 are dependent upon Claim 1 and are submitted to be patentable for like reasons. In addition Claim 2-12 add further limitations that further support the patentability of those claims.

Respectfully submitted,



Robert M. Ashen, Esq.  
Reg. No. 19,685

Robert M. Ashen, Esq.  
Law Offices of Robert M. Ashen  
1737 Franklin Canyon Drive  
Beverly Hills, CA 90210-1622  
Tel. (310) 274-8060  
Fax. (310) 858-1922